

## **Board of Supervisors (Development Process Committee)**

May 23, 2017

Government Center Conference Room 11

### ***Board of Supervisors (Board) Members Present:***

Sharon Bulova, Chairman  
Penelope Gross, Mason District (Vice Chairman)  
John Cook, Braddock District  
John Foust, Dranesville District  
Pat Herrity, Springfield District  
Catherine Hudgins, Hunter Mill District  
Jeff McKay, Lee District  
Kathy Smith, Sully District (Committee Chair)  
Dan Storck, Mount Vernon District

Agenda and presentation materials are available on the [2017 Board Committee Meetings Archive webpage](#).

The Development Process Committee (Committee) meeting was called to order at 3:03 p.m.

### **Zoning Ordinance Modernization:**

Barbara Byron, Director, Office of Community Revitalization (OCR), presented an update on the Zoning Ordinance Modernization Project (zMOD) and outlined the proposed approach for amending the Minor Modification provisions of the Zoning Ordinance. Staff also in attendance were Fred Selden, Director, Department of Planning and Zoning (DPZ), Leslie Johnson, Zoning Administrator, David Stoner, Deputy County Attorney, and Kevin Guinaw, Special Projects Coordinator, DPZ.

Ms. Byron provided a general update on the RFP for consultant services, the application of zMOD approaches to several amendments (Restaurants, Signs, the PDH District, as well as Minor Modifications), and on outreach and engagement which has taken place (with the Planning Commission Land Use Process Review Committee, the Board's Land Use Aides, EAC/IC and NVBIA/NAIOP).

Ms. Byron indicated that the main objectives of the presentation and discussion were to gain Board agreement on the general zMOD approach to the Minor Modifications amendment and the proposed schedule, and to obtain the Board's suggestions for community outreach.

Ms. Byron noted that the proposed Minor Modifications amendment is designed to strike a balance that addresses the need for additional flexibility to respond to changing circumstances, while retaining the protections expected by the community in approved zonings. The Board received copies of proposed draft text written for proffered rezonings to illustrate the approach

(which will also apply to special exceptions and special permits), a “Plain English” outreach paper describing the major components of the amendment, the power point presentation and the proposed schedule.

Ms. Byron noted that the Minor Modification amendment does not change the fact that proffers and development conditions are part of the zoning on a particular property, unless they are changed by a subsequent action by the Board.

As part of the zMOD Project, she indicated that the proposed draft streamlines and reformats the text to be more user friendly, to eliminate duplication and unnecessary verbiage and to use more understandable language.

The proposed amendment continues to allow the Zoning Administrator to permit certain administrative changes provided they are in substantial conformance with the approval and remain true to the intent of the approved proffers or development conditions. However, it would add more staff flexibility in four areas: (1) exempt solar collectors and other innovative energy technology structures less than 10 feet in height from building height and roof top coverage limitations; (2) exclude from the definition of gross floor area and the calculation of FAR any incidental increase in the interior space created by the replacement of a façade material on an existing building; (3) permit changes to the color of signs and typeface; and, (4) increase the allowable size of minor building additions.

The proposed amendment would also add flexibility and streamline the development process by creating a new avenue for the Board to act on five types of requests for adjustments to proffers, with public notice, as an Action Item at a Board meeting. The five items as presented in the draft are: (1) to permit the addition or modification of a use which is not specifically precluded by proffers or conditions, if the new use does not have a greater land use impact than the approved uses; (2) to increase permitted building height provided the resultant building height does not exceed 15% of the approved building height, exceed one story, exceed the maximum height of the zoning district, or materially impact adjacent properties; (3) to modify proffered minimum yard dimensions, building setbacks or distances from peripheral lot lines shown on an approved development plan, but only if the modified dimensions would not adversely impact adjacent properties or other proffered conditions; (4) to delete or modify active recreation uses shown on an approved development plan; and, (5) to modify proffer commitments related to technologies and transportation demand measures, including commitments to alternative transportation modes, such as shuttle service, that are underutilized or have become ineffective or obsolete as circumstances have changed.

Ms. Byron indicated that this Action Item option was only applicable to proffered conditions and not to special exception development conditions (or to special permits that are approved by the BZA). In response to a question from the DPC about the applicability of this process to special exception conditions, David Stoner responded that it could be in the future only if the Code of Virginia were amended. The DPC suggested this issue be referred to the Board’s Legislative Committee for future consideration and requested clarification from the County Attorney as to what legislative change would be needed at the General Assembly.

The DPC complimented Ms. Byron and staff on the proposed amendment package and schedule and directed staff to go forward.

After some discussion, the DPC also requested that staff prepare procedures to indicate how the processing of the proposed requests to Board would work.

With respect to community outreach, the DPC suggested North and South outreach sessions for outreach to the community. After some discussion of the costs and resources involved in having a recorded meeting in the conference center, the DPC suggested preparing some kind of video on Channel 16. Ms. Byron indicated that staff would work with Channel 16 to prepare a narrated presentation to be posted on the zMOD website, which is designed to also receive comments.

**Zoning Ordinance Amendment for Maximum Coverage of Minimum Required Rear Yards:**

Cathy S. Belgin, Deputy Zoning Administrator, DPZ, presented an overview of the proposed Zoning Ordinance Amendment. Leslie Johnson, Zoning Administrator, DPZ, and Fred Selden, Director, DPZ were also in attendance.

Ms. Belgin presented an overview of the proposed Zoning Ordinance Amendment, including why it is proposed, the current limitations are for minimum required yard coverage for single family detached dwellings of 30%, an overview of the main points of the proposed amendment with an additional alternative option for the Board to consider.

Ms. Belgin described the 5 main points of the proposed amendment, including making a distinction between lots in conventional zoning districts and lots in P Districts, proposing that lots located in P Districts less than 5,000 square feet in size be exempted from the provisions, and proposing to increase the amount of coverage permitted on conventional lots to 40% (with an advertised range of up to 50%) and to 50% (with an advertised range of up to 60%) on P District lots. In addition a new special permit would be created to allow a request to increase the coverage amounts to as high as 60% on conventional lots or up to 75% on P District lots. Finally, there would be clarification through the addition of graphic examples of what would constitute coverage. An additional option was also presented of exempting P District lots entirely from this provision instead of just those below 5,000 square feet. Ms. Belgin noted that this proposed amendment had previously been presented to the Board of Zoning Appeals (BZA) and recently to the Planning Commission Policy and Procedure Committee and Land Use Aides, and that staff was proposing to bring this item to the Board for Authorization on November 21, 2017, after a period of public outreach. One significant concern brought up by those groups was the issue of stormwater runoff.

Ms. Belgin requested input from the Board members on whether to proceed as proposed, or with the inclusion of the additional option, or with both options. Ms. Belgin also requested guidance on whether outreach to several broad areas of the County, such as “north”, “south” and “central” locations would be sufficient, or whether individual land use committees needed to be briefed. There was general consensus among the committee that stormwater runoff would be the biggest concern, and additional information on how such calculations are considered and would be

impacted needed to be obtained by staff prior to initiating the community outreach. Supervisor Foust stated that stormwater runoff was already a significant problem in the older communities in his district that lack sufficient stormwater management infrastructure, and stated that in addition to the area meetings, the citizen committees in the Dranesville District including the McLean Citizen's Association would need to be briefed. Supervisor Bulova noted that some surfaces may have more impact than others if more pervious. Supervisor McKay expressed how much of an issue this provision is for the small P District communities in the Lee District, but emphasized that there may be a number of communities where some lots are larger and some smaller than 5,000 square feet, and was concerned about such communities being subject to two sets of standards, and asked staff to consider options to remedy this. Leslie Johnson stated that staff could provide an update to the committee via memorandum prior to the July meeting.

**Parking Requirements and Reductions:**

John Friedman, Engineer IV, LDS, gave a follow-up presentation to his February 7, 2017, and March 28, 2017, presentations, Fairfax First Initiative Update – Parking Requirements and Reductions. At the February 7, 2017, presentation, five proposals for changes to the requirements for parking and parking reductions that were developed in connection with the Fairfax First initiative were discussed. The objective of the proposals is to streamline the process for obtaining reductions and minimize the need for reductions where appropriate. At the February 7, 2017 meeting, the Board gave the go-ahead on three of the proposals and requested that staff return with additional information on the following two proposals: 1) allow for administrative approval of shared parking for by-right developments up to a specified maximum percentage; 2) provide lower parking rates in the non-Tysons Transit Station Areas (TSAs) thereby eliminating the need for reductions. At the March 28, 2017, meeting, the Board discussed the proposal for administrative approval of shared parking for by-right developments, and gave it the go-ahead. In this presentation, the multi-family component of the proposal (1.3 spaces/1 bedroom unit; 1.5 spaces/2 bedroom unit; 1.6 spaces/ 3+ bedroom unit) to provide lower base parking rates in the non-Tysons Transit TSAs was presented and discussed. Mr. Friedman explained that TSAs are areas of transit oriented/influenced development mapped in the Comprehensive Plan with specific plan recommendations. Information on four multi-family sites within 0.4 miles of a transit station where parking usage is known was presented. The parking usage at the four sites was used to test alternatives to the current 1.6 space per unit requirement. The alternative based on bedrooms, staffs proposal, is the alternative that optimized (not too much and not to little) the amount of parking provided for the test cases. The proposal was then compared to previous Board approved reductions. In every case, the proposed base parking rates, resulted in smaller reductions than what the Board approved. A comparison of the proposed base parking rates to the rates in other jurisdictions was also presented. The Board supported moving forward with the multi-family component of reduced base parking rates in the non-Tysons TSAs. Staff will come back to the Board with additional information at a future committee meeting on the office and other commercial uses component of the proposal.

The Committee meeting adjourned at 4:33 p.m.

The next scheduled Development Process Committee meeting is July 18, 2017, at 3:00 p.m.